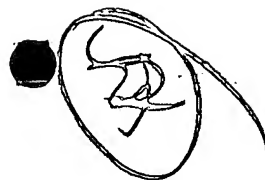




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PTO/SB/21 (08-00)
Approved for use through 10/31/02. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

12

Application Number

10/028,181

Filing Date

December 21, 2001

First Named Inventor

Harry PRINCE et al

Group Art Unit

1614

Examiner Name

To be assigned

Attorney Docket No.

524902000200

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☒ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please identify
below):

Transmittal, 1 page

Fee Transmittal, 1 page (in duplicate)

Declaration (executed) 4 pages

Copy of Notice to File Missing Parts of
Nonprovisional Application. 1 page

Copies of December 21, 2001 Postcard and
Fee Transmittal

Return Postcard

Remarks



25225

PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Peng Chen

or

Morrison & Foester

Individual Name

3811 Valley Centre Drive, Suite 500, San Diego, California 92130

Signature

Date

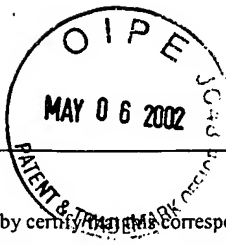
April 24, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 24, 2002.

Rhea Amid

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PATENT
Docket No. 524902000200

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Rhea Amid
Rhea Amid

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Harry PRINCE et al.

Serial No.: 10/028,181

Filing Date: December 21, 2001

For: OXIDIZED FUNGAL ANTIGENS AND
METHODS OF MAKING AND USING
THEREOF

Examiner: To be assigned

Group Art Unit: 1614

**RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION
UNDER 37 CFR 1.53(b)**

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice of Missing Requirements mailed February 28, 2002 in the above identified application. The Notice includes an indication that the application requires an additional \$84 for (2) independent claims over 3. However, we already paid for these two independent claims in our transmittal with our filing on December 21, 2001 (copy attached). Therefore, such additional fees are not necessary. However, if the Patent Office decides that there is any deficiency in the fees paid, the Assistant Commissioner is authorized to charge the fees due in connection with the filing of this document to **Deposit Account No. 03-1952**

referencing docket no. 524902000200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 24, 2002

Respectfully submitted,

By: 

Peng Chen
Registration No. 43,543
Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5117
Facsimile: (858) 720-5125



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EL719395967US

| | |
|---|---------------------------------|
| Docket No.: 524902000200 | Atty: Peng Chen/ra/ <i>PC</i> |
| Serial No.: To Be Assigned | Filing Date: Herewith <i>PC</i> |
| Title: OXIDIZED FUNGAL ANTIGENS AND METHODS OF MAKING AND USING THEREOF | |
| Date of Mailing: DECEMBER 21, 2001 via Express Mail No. EL719395967US | |

Papers enclosed herewith:

1. Utility Patent Application Transmittal, 1 page
2. Fee Transmittal: 1 page (in duplicate)
3. Initial Information Data Sheet, 3 pages
4. Specification: 31 pages
5. Drawings: 4 pages
6. Return Postcard.

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VIA EXPRESS MAIL NO.: . EL719395967US ON DECEMBER 21 2001.

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Sale Unit Price

Product Description

Qty Price

\$16.25

| | |
|---|---------------------------------|
| Docket No.: 524902000200 | Atty: Peng Chen/ra/ <i>PC</i> |
| Serial No.: To Be Assigned | Filing Date: Herewith <i>PC</i> |
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JC927 U.S. PTO

10/028181



FEE TRANSMITTAL

FOR FY 2002

MAY 06 2002

PATENT & TRADEMARK

Patent fees are subject to annual revision.

Complete if Known

Application Number 10/028,181

Filing Date December 21, 2001

First Named Inventor Harry PRINCE, et al.

Examiner Name To be assigned

Group Art Unit 1614

Attorney Docket No. 524902000200

COPY OF PAPERS
ORIGINALLY FILED

TOTAL AMOUNT OF PAYMENT

(\$130.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952, ref. 524902000200

Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20** | x | \$ | |
| 3** | x | \$ | |
| Multiple Dependent | | \$ | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 | |
| 104 | 280 | 204 | 140 | Multiple dependent claims, if not paid | |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)*

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | 130 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$130)

SUBMITTED BY

Name (Print/Type)

Peng Chen

Registration No.
(Attorney/Agent)

43,543

Complete (if applicable)

Telephone

(858) 720-5117

Signature

Peng Chen

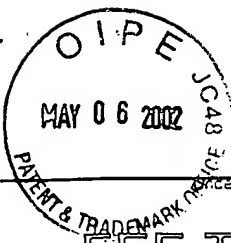
Date

April 24, 2002

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

sd-89153



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PTO/SB/17 (09-00)
Used for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | To be assigned |
| Filing Date | Herewith |
| First Named Inventor | Harry PRINCE et al |
| Examiner Name | To Be Assigned |
| Group Art Unit | To be assigned |

TOTAL AMOUNT OF PAYMENT

(\$1,376.00)

Attorney Docket No. 624902000200

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952, ref. 524902000200

Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

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- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

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| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$740)

2. EXTRA CLAIM FEES

| | | | Extra Claims | | Fee from below | | Fee Paid |
|-----------------------|----|-------|-----------------|---|-------------------|---|----------|
| Total Claims | 46 | -20 = | 26 | x | 18 | = | \$ 468 |
| Independent Claims | 5 | 3 = | 2 | x | 84 | = | \$ 168 |
| Multiple Dependent | | | | | | | = \$ |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claims, if not paid |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 636)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
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| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
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| 581 | 40 | 581 | 40 | Recording each patent assignment, per properties (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
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| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|-----------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | Peng Chen | Registration No. (Attorney/Agent) | 43,543 | Telephone | (858) 720-5117 |
| Signature | | Date | December 21, 2001 | | |

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COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
www.uspto.gov

| | | | |
|--------------------|---------------------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
| 10/028,181 | MAY 06 2002 12/21/2001 | Harry Prince | 524902000200 |

Peng Chen
Morrison & Foerster LLP
Suite 500
3511 Valley Centre Drive
San Diego, CA 92130-2332

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CONFIRMATION NO. 2823

FORMALITIES LETTER



OC000000007558983

Date Mailed: 02/28/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$84.
 - \$84 for 2 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 214.**

05/07/2002 NINCHAP:1 10019111 11111 11111

01 FEB105 120.70 24

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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